

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2:23-mc-140

IN RE RETROACTIVE APPLICATION
OF GUIDELINES REDUCTION FOR
2023 CRIMINAL HISTORY
AMENDMENTS

)
)
)
)
)
)

GENERAL ORDER NO. 119

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2023 OCT 17 PM 3:30

CLERK
BY Sgl
DEPUTY CLERK

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C.

§§ 3006A(a)(1) and (c), and in conjunction with Amendment 821 to the Sentencing Guidelines (the retroactive 2023 Criminal History Amendments, Part A (Status Points) and Part B (Zero-Point Offenders)), the Office of the Federal Public Defender for the District of Vermont ("Federal Public Defender's Office") is appointed to represent any defendant previously determined to have been entitled to appointment of counsel by the Court or who is now indigent and (i) whose name appears on the lists of defendants potentially eligible for a reduction of sentence, supplied by the United States Sentencing Commission; (ii) who files a pro se motion for relief seeking a sentence reduction under the retroactive application of U.S.S.G. Amendment 821; or (iii) who the Federal Public Defender's Office determines may be eligible for a reduction.

The Probation Office shall assess whether these defendants may qualify for a reduction of sentence, and the Federal Public Defender's Office shall represent those defendants with respect to any possible motions for reductions of sentence pursuant to U.S.S.G. Amendment 821 and 18 U.S.C. § 3582(c)(2). The appointment

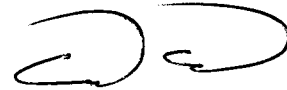
is limited to those cases affected or potentially affected by this amendment and will terminate upon the district court's ruling or the conclusion of the appellate process, unless otherwise ordered by the Court.

The Probation Office is authorized to disclose the defendants' Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons to the Federal Public Defender's Office, retained counsel, or substitute counsel as well as to the U.S. Attorney's Office. The Federal Public Defender's Office shall ascertain the defendants' eligibility for relief and whether conflicts of interest preclude it from representing the individual. The Federal Public Defender's Office shall notify the Court if it determines that such a conflict exists and the Court will appoint substitute counsel. The Federal Public Defender's Office shall provide the Presentence Investigation Report or Modified Presentence Investigation Report, Judgment, and Statement of Reasons to any subsequently appointed counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Reports, Modified Presentence Investigation Reports, or Statements of Reasons shall be provided to inmates.

The Office of the Clerk of Court for the District of Vermont ("Clerk's Office") is authorized to disclose to the Federal Public Defender's Office, retained counsel, or substitute counsel as well as the U.S. Attorney's Office, documents from the defendants' case file that are not otherwise available through the judiciary's Public Access to Court Electronic Records ("PACER") service to determine the defendants' eligibility, the extent for relief, and conflicts. Specifically, the Clerk's Office may

disclose U.S.S.G. § 5K1.1 motions and orders, motions and orders related to Fed. R. Crim. P. 35, plea agreements, charging documents, notices of enhancement under 21 U.S.C. § 851, transcripts available pursuant to Judicial Conference policy, verdicts, orders related to U.S.S.G. Amendment 505, and motions under 28 U.S.C. § 2255. The Federal Public Defender's Office may not distribute such documents except to subsequently appointed counsel, unless otherwise ordered by the Court. Subsequently appointed or retained counsel may not further distribute such documents, unless otherwise ordered by the Court.

SO ORDERED. This 17th day of October, 2023.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a 'C' and a 'W', all connected together.

Hon. Geoffrey W. Crawford
Chief United States District Judge